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1949 **File No.** 1815/48

B CLASS P.W. **DEPARTMENT**

M **BRANCH** (Ports).

Subject:— Landing & Wharfage Fees Act
Extension of to Creek Ports
in Bombay Province

B [K] 1949

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B [K] 1949

File No. 1815/48

M-Br. (Ports)

Etd. Scott. Slip. 24 A

Std. Sectt. 78 a.

G.R., G. D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 1815/48

P W DEPT.

M BRANCH (Party

References :—

Copies from the original file B [C]

Date.	To whom sent.	Notes and instructions.

No. W/33-55/48.

From:

A.S. Kyte Esq., M.B.E.,
Collector of Central Excise,
Bombay.

To,

The Secretary to the Government of Bombay,
Revenue Department,
BOMBAY.

Post Box No: 806,
Bombay, 18th January, 1949.

Subject: Creek Ports- Extension of the Landing and Wharfage Fees Act to the .....

The Question of construction of jetties at the creek ports does not come within the purview of the Landing and Wharfage Fees Fund Committee as the Landing and Wharfage Fees Act VII of 1882 (as amended by Bombay Act V of 1916) does not apply to the creek ports. Under proviso(i) to sub-clause(c) of clause (2) of Revenue Department Notification No. 1013 dated the 26th January, 1917, no fees are leviable on a passenger travelling from or to a coast port to or from a creek port under that port. The proposals to construct landing jetties inside the creeks for the use of creek passengers who do not directly pay anything to the Landing and Wharfage Fees Fund are therefore outside the scope of the Landing and Wharf--fage Fees Fund Committee. No jetties have so far been constructed at any of the creek ports in the interior of the creeks from the Fund. In order to provide some landing facilities at the creek ports, the Landing and Wharfage Fees Fund Committee in their Resolution No. XIII passed at the 51st meeting held on the 17th February, 1942 had resolved that Go--vernment might be addressed with a view to modify their Revenue Department Notification No. 1892-A dated the 26th July, 1921 (as subsequently amended) issued under section 2 of the Landing and Wharfage Fees Act, so as to include in the Notification certain specified creek ports with a view to afford the same amenities and facilities to passengers desiring to perform a voyage by sea by transhipment at the main ports at the mouths of the creeks. Accordingly the then Collector had requsted Government of Bombay under his letter No. W/34-18 dated the 16th May, 1942 to extend the provisions of the Landing and Wharfage Fees Act to creek ports but Government in their Revenue Department Memorandum No. P-200/18010-G, dated the 6th August 1942 informed that Government was not prepared to extend the provisions of the Act to creek ports under the circumstances prevailing at that time. I enclose copies of the correspondence passed between this office and Government for ready reference.

2. I had received in the past several proposals for providing landing facilities at some of the creek ports from the Bombay Steam Navigation Co. Ltd. Bombay as well as from the public of the Ratnagiri District but the proposals were turned down as these

were beyond the scope of the Landing and Wharfage Fees Fund Committee. The public of Ratnagiri District though their Representatives on the L. & W.F. Fund Committee have now been demanding the provision of the landing facilities at the creek ports. As result of this, the L. & W.F. Fund Committee in their Resolution No. II(10) passed at their 69th meeting held on the 29th October 1948 resolved that the Government be requested to modify the L. & W.F. Fees Act VIIof 1882 suitably so as to bring the creek ports under its purview so that passengers embarking and disembarking at creek ports may be afforded the same facilities and amenities as are at present provided for at the main ports. I enclose a copy of the Resolution No. II(10) passed by the Commi--ttee. In this connection, I also enclose a copy of the letter No. L.F./532 of 1948-49 dated the 27th October 1948 received from the President, District Local Board, Ratnagiri. In view of the pressing demand of the District Local Boards and the travelling public for providing landing and other facilities at the creek ports, I shll be glad if you will let me know whether Government is now prepared to extend the provisions of the L, & W.Fees. Act to creek ports as proposed by the L. & W.F. FUnd Co--mmittee. If Government is prepared to do so, I will them examine this proposal further with a view to see to which creek ports it is necessary to extend the Landing and Wharfage Fees Act and what facilities it will be necessary to provide at these ports and what additional income the fund is likely to derive by the proposed ex--tension of the Act.

Sd/-
17.1.49.
Collector of Central Excise,
Bombay.

W.W.W./-

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Subject: Proposal of the District Local Board, Ratnagiri for the levy of Landing & Wharfage fees at the creek ports.

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No. L.F/532 of 1948-49.
Retnagiri, 27th October, 1948.

To

The Collector of Central Excise & Chairman,
Landing and Wharfage fees fund Committee,
Bombay.

Sir,

I have the honour to enclose herewith a copy of resolution No. 239 passed by the District Local Board on 20.9.48 and to state that presumably the Landing and Wharfage fees are at present levied ~~lived~~ at the ports of call where ferry steamers touch. The Board understands that no money out of the Landing and Wharfage fees fund is spent for the benefit of the passenger traffic coming from the creek ports. The Board therefore propose that the Landing and Wharfage fees should be levied on the passenger traffic coming from and going to the various creek ports and the funds thus raised should ~~suitable~~ utilized for the improvements in the creek ports. The Board trusts that the Landing & Wharfage fees Fund Committee will consider the proposal at its next meeting.

Yours faithfully,
Sd/-
President, D.L.B., Ratnagiri

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Resolution No. II(10) passed at the 69th Meeting of the L. & W.F. Fund Committee held on the 29th October, 1948.

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The Chairman read before the Committee:-

(10) The Chairman read the Government of Bombay Revenue Deptt. letter No. L.A. 183/46-K, dated the 26th May, 1948 and this office letter No. W/33-55/48 dated the 4th August 1948 to Govt. regarding the Bombay Legislative Council questions on the development of minor ports.

The Committee resolved to recommend to Govt. that the L. & W.Fees Act VII of 1882 be suitably modified so as to bring the creek ports under its purview so that passengers embarking and disembarking at creek ports may be afforded the same facilities and amenities as are at present provided for at the main ports.

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(Translation).

Resolution No. 239 passed at the Quarterly Meeting of the Ratnagiri District Local Board held on the 20th September, 1948.

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At present landing and wharfage fees are collected only at the important minor ports in the Ratnagiri and other districts and therefore landing facilities for the convenience of passengers travelling between the sub ports in the creeks are not provided by the L.W.F. Fund Committee at these ports. The Ratnagiri District Local Board is of opinion that the Committee should bring the sub-ports in the creeks under their jurisdiction, and collect the fees from the passengers with a view to provide landing and other facilities to considered the suggestion of Rao Bhadur Surve that the Chairman of the Committee be approached in the matter at approvedthe suggestion unanimously.

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No. W/34-18.

From,

H.E. St. G. McClenaghan, Esquire, I.C.S.,
Collector of Salt Revenue, Bombay.

To,

The Secretary to the Government of Bombay,
Revenue Department,
Bombay.

Bombay, 16th May 1942.

Subject: Ports and harbours - Creek ports - Estension of the Landing and Wharfage Fees Act to- - -

I have the honour to refer to Resolution No. XIII(copy attached) passed at the 51st meeting of the landing and Wharfage Fees Fund Committee held in Bombay on the 17th February, 1942. The Committee resolvedthat Government might be addressed with a view to modify their Revenue Department notification No. 18 92 A, dated the 26th July, 1921(as subsequently amended), issued under section 2 of the Landing and Wharfage Fees Act, VII of 1882, (as amended by Bombay Act V of 1916) so as to include in the notification, certain specifiddq creek ports, with a view to afford the same amenities and facilities to passengers desiring to perform a voyage by sea by transhipment at the main port at the mouthof the creek, while landing of embarking at the creek ports, as are at present provided for at the main ports.

2. Under proviso(i) to sub-clause(c) of clause (2) of Revenue Department notification No1 1013, dated the 26th January, 1917, no fees are leviable on a passenger travelling from or to a coast port to or from a creek port under that port. This proviso was inser--ted in accordance with paragraph 1(a) of Revenue Dep--artment memorandum No. 4915, dated the 10th May, 1916 printed in the preamble of Government Resolution No. 1011 of the 26th January, 1917. These orders seem to have been issued as a result of the discussion in the Bombay Legislative Council. At the time of the second reading of the Landing and Wharfage Fees Act Amendment Bill, the Hon'ble Mr. G.K. Parekh represented that owing to the existence of serveral water ways and creeks in the coastal districts, the local residents had to make short trips by boat for agricultural, domestic or social purposes. He pointed out that it would be great hardship and cause great inconvenience if these residents, most of whom belong to the poorer classes, were taxed under the proposed bill. The Hon'ble Mr. Carmichael, w ho was then in charge of the Bill, assured the Council that provision had been made in the Bill under which Government could grant exemption from pay--ment of fees and that there was no intention of making a charge in the cases mentioned by the Hon'ble Mr. Parekh.

3. Practical difficulties arose when the Landing and Wharfage Fees Fund Committee appointed by Government to advise the administrator of the Fund (The Commissioner of Customs, Salt and Excise and now the Collector of Salt Revenue), began to consider the question of provi--ding amenities for the creek ports situated within the limits of the main port. The following Resolutions

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were passed by the Committee from time to time:-

(a) At the second meeting held on the 7th April, 1919, the Committee resolved that the fund should be applied first to the sea ports of call and not to the minor inland landing places (copy of resolution No.10 enclosed).

(b) In resolution No. 14 passed at the meeting (copy enclosed) the Committee resolved that expenditure from the fund on creek or inland ports was not justi--fied in view of the fact that no fees are levied on passengers travelling from a coast port to a creek port under that port or vice versa.

(c) The fourth meeting of the Committee resolved, in ~~modive~~ modification of the previous resolution, that fees should not be levied from creek passengers but the Landing and Wharfage Fees Fund could be expended on creek port improvements, provided that these were recognised to come after the claims of the ports from which fees were levied (copy of resolution No. 5 enclosed)-

In pursuance of the last resolution waiting sheds, lighting and water supply arrangements and latrines were provided at some of the more important creek ports in the Bankot, Dabhol and Jaigad creeks. No landing jetties have, however, so far been provided at the creek ports.

4. Now the public of the Ratnagiri District, through their re~~p~~presentatives on the Landing and Wharfage Fund Committee, have been demanding the provision of landing facilities at certain creek ports where launches call. These proposals are supported by the Collectors of Kolaba and Ratnagiri Districts. In the Bankot, Da bhol and Jaigad creeks there are various sub-ports, and steam or motor launches ply, which call at these sub-ports. Some passengers travel from one sub-port to another, whereas some passengers travel from the creek to the main port and embark there on the coasting steamer to go to another port and vice versa. Only passengers embarking at the main port pay the Landing and Wharfage fees but not the passengers travelling between the creek ports, within the same creek. Thus they derive the benifit of the amenities of the dharmashalas, lighting, water a-rrangement etc., provided at the creek ports without contributing anything to the Landing and Wharfage Fees. Fund. Before the inception of this Fund, i.e. previous to 1918, the District Local Boards used to provide for these amenities in the creek ports. While the representatives of the District Local Boards on the Landing and Wharfage Fees Fund Committee have been urging the construction of landing jetties in the creeks where steam or motor launches have been plying, the Local Boards are not willing to share the cost of their construction. They desi re instead, that Gove--rnment be addressed with a view to modify their Revenue Department notification No. 1892-A, dated the 26th July, 1921, so as to include in the notification specified creek ports situated in the creeks in the Kolaba, Ratnagiri and North Kanara Districts. The object of this proposal is to levy fees from the passengers travelling between a main port and the creek-

port.....

creek-ports under that port or between such creek-ports. The additional income thus derived can be utilised for providing jetties in these creek-ports. I am examining this proposal with extend the Landing and Wharfage Fees Act, and what will be necessary at these ports-creeks additional income the at these

specified creek-ports, other than a steamer ports, as proposed by the Landing and Wharfage Fees Fund Committee.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/- H. E. St. G. McClenaghan,

Collector of Salt Revenue,
Bombay.

Encls: Four Copies.-

W.W.W./-

RESOLUTION. No XIII passed at the 51st meeting of the Landing and Wharfage Fees Fund Committee held on the 17th February, 1942.

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XIII. The Committee considered the question of providing landing facilities at creek ports served by launches of steamer companies or other launches for conveying passengers proceeding from a creek port to a main port for transhipment into the passengers steamer or vide versa.

After careful consideration of the legal aspect of the case, and other congnate matters, the committee resolved that Government be moved to modify their Revenue Department Notification No. 1892-A, dated the 26th July, 1921, as subsequently amended, issued under section 2 of the Landing and Wharfage Fees Act, VII of 1882, (as amended by Bombay Act V of 1916), so as to include in the notification specified creek ports situated in the creeks in the Kolaba, Ratnagiri, and North Kanara Districts. The object in making these recommendations is to afford the same amenities and facilities at these creek ports to passengers desiring to perform a voyage by sea by transhipment at the main ports situated at the mouth of the creek, while landing or embarking at the creek ports, as are at present pro-vided for at the main ports. The passengers pay the landing and wharfage fees when they embark or disembark at the creek ports when their port of destination is a main port; hence they have a right to expect the provision of similar landing facilities at the creek ports. At some of the creek ports facilities such as dharamshallas, lighting and water supply arrangements and latrines are already provided at the cost of Landing and Wharfage Fees Fund. It is now proposed to provide landing and embarking facilities.

Definite proposals for providing landing places at creek port have been received from the Collectors of Kolaba and Ratnagiri as under:-

Kolaba District:- Construction of jetties at Shenwai Goregaon, Sanderi and Washtni. The Collector of Kolaba has proposed that the Executive Engineer, Thana Divi-sion be asked to prepare plans and estimates for the works pending receipt of a report from the President, District Local Board, Kolaba, whether the Board would contribute half the cost of their construction.

Ratnagiri District:- Construction of jetties at Punderi Nigudi, Umbershet, Veshwi and Umroli in the Bankot creek at an estimated cost of Rs. 15,358/- (Collector of Salt Revenues' No. 86-74/40, dated the 19th January, 1942.

. . . . . .

W.W.W./-

Copy of the resolutions Nos. 10 and 14 passed at the second meeting of the Landing and Wharfage Fees Fund Committee held on the 7th April, 1919.

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D. Rejapur is not one of the sub-ports of Jaitapur, But in any case it seems the fund should be applied first to the sea ports of call and not to the minor inland landing places. Plan and estimate may be obtained and filed; but it not likely to receive an allotment for some years.

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14. The Commissioner Salt Department said he would obtain a report and figures (with reference to Resolution 10) to what extent Machwa fees are collected in respect of the inland river bandars. It is now found that no fees are levied on passengers travelling from a coast port to a creek port or vice versa (para 2(e) (i) Notification No. 1013, dated 26-1-17). Therefore expenditure on creek or inland ports is not justified.

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Copy of the resolution No. 5 of the fourth meeting of the Landing and Wharfage Fees Fund Cimmittee held on the 26th April, 1920.

5. To refrain from the levy of the fees from creek passengers but to allow the landing and Wharfage fees Funds to be expended on the creek port improvements provided that these were recognised to come after claims of ports from which fees were levied.

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Letter.

To

The Collector of Salt Revenue.

No. P. 200/18010-G. Bombay, 6th August 1942.

Reference your letter, No. W/34-18, dated the 16th May 1942. Government is not prepared to extend the provisions of the Landing and Wharfage Fees Act to creek-ports under the present circumstances.

By order of the Governor of B'bay

Sd/-.....
Assistant Secretary to the Government of
Bombay Revenue Department.

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REVENUE DEPARTMENT.
(P.200/4743-K.)

Submitted.

2. The D.L. Boards and the Public have requested the Collr. of Central Excise to provide landing and other facilities at the Creek ports. As the Landing and Wharfage Fees Act VII of 1882, as amended by Bombay Act V of 1916, does not apply to the dreek ports, jetties cannot be constructed at the creek ports from the funds of the Landing and Wharfage Fees Fund Committee. The Collr., therefore, requeste d Govt. in 1942 to extend the Act of 1882 to the creek ports. After consulting the Collrs. of Ratnagiri, Kolaba and Kanara and the Commrs, S.D., Govt. decided not to extend the provisions of the Act ~~of~~ to the creek ports as the circumstances were not them so favourable for the purpose. (vide Govt. letter and endt. No. P-200/180/O-G, dt. 6th Aug. 1942, and the proceedings underlying them. The Collr. has now approached Govt. to reconsider the question. As before the officers may be consulted in the matter. A draft endt. is put up.

Id/-

Id/-

(Below the copies of letter, No. W/33-55/48, dt. 18th Jany. 1949, from the Collr. of C.E., and its accompts.).

No. P. 200/4743-K.

Rev. Deptt.
Sectt., Bombay.

3rd February 1949.

Forwarded to:

The Commr., S.D.,
The Collr. of Ratnagiri,
Kolaba,
Kanara,

for favour of remarks with refce. to Govt. memo., No. P.200/1810-G, dt. 6th Aug. 1948.

By order of the Govr. of Bombay.

Sd/-
Un. Secy. to Government.
Revenue Department.

.....oooOOooo.....

R.D.

(P. 200/26061-K)

Submitted with refce. to Govt.memo. No. P. 200/4743-K, dt. 3.2.49, and the office note under-lying it.

2. The officers agree to the ~~section~~ extension of the provisions of the Landing and Wharfage Fees Act to the ~~eark~~ creek-ports. In this connection the Commr. S.D. remarks that the ~~section~~ extension of jetty facilities at ~~eark~~ creek ports is necy. along the entire coast of Kolaba Ratnagiri and Kanara distts. He also remarks that time has come when traffic to and from creek ports also should be subjected to fees, and receipts therefrom utilised for providing necy. facilities at the creek ports. In view of the above, Govt. may agree to ~~eect retend~~ extend the provisions of the L. & W. F. Act to ~~eark~~ creek erect ports as proposed by the L. & W.F.F. Committee and inform the Collr. of C.E. accordingly. The Collr. may also be informed to ~~procude~~ eed further in the matter as stated by him in the ~~Landing~~ concluding portion of his letter, ~~of~~ dt. 18.1.49, Draft letter and endt. are pup up for approval.

Id/-
5.4.49.

In view of the public demand for provision of Landing facilities at Creek ports and the unanimous opinion expressed by al the officers concerned Govt. may aprove of the Collectors proposal to extend the L. & W. R. Act to these ports. If approved the Collr. will examine the proposal further as suggested by him'.

Id/-

7.4.49.

Id/-

10.4.49. H.M., R.D.

No. P. 200 - K/49.

Revenue Department,
Secretariat, Bombay,

12th April 1949.

To

The Collector of Central Excise.

Subject: Creek Ports.
Landing and Wharfage.
Fees Act.
Extension of, to .....

Reference your letter, No. W/33-55Ø48, dated 18th January 1949.

2. Government agrees to extend the provisions of the Landing and Wharfage Fees Act to creek ports as proposed by the Landing and Wharfage Fees Fund Committee. Please proceed further in the matter as stated by you in the concluding portion of your letter, dated 18th January 1949.

By order of the Governor of Bombay,

For Secretary to the Government of Bombay,
Revenue Department.

Copies to:-

The Commissioner, Southern Division, (with reference to his letter, No. P.W.D./1069, dated 2nd March 1949.

the Collector of Ratnagiri, (with reference to his letter No. W.S. XI/296, dated 14th Febru-ary 1949)

the collector of Kolaba, (with reference to his letter, No. MSCSR, dated 22nd March 1949),

the Collector of Kanara, (with reference to his letter, No. C/B.2101, dated 2nd March 1949.)

18.5.54.

M(P) P.W.D.

Submitted with reference to R.D.'s note dated 5.4.49.

The Coll. of Central Excise may be requested u.o. to inform Govt. of the further progress he has made in this

Id/-

No ~~Reports~~ papers may be filed.

Id/-